U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

MAY 2 1984

James H. Lesar, Esquire
1231 Fourth Street, S.W.
Washington, D. C. 20024

Dear Mr. Lesar:

Reference is made to your letter dated February 25, 1984, in which you request pursuant to the Freedom of Information Act (FOIA) copies of all records of or pertaining to the request by a non-Federal law enforcement agency that the FBI hold in confidence a group of crime scene photographs pertaining to the assassination of Dr. Martin Luther King, Jr., as set forth in the June 2, 1976, affidavit of SA Thomas L. Wiseman in Weisberg v. Department of Justice, (U.S.D.C., D.C.; C.A. No. 75-1996).

It is the recollection of SA Wiseman that the Memphis Police Department (MPD) was consulted telephonically for an FOIA release determination on their crime scene photographs. Inasmuch as it was the understanding of the MPD that information furnished to us by their Department would be maintained in confidence, a decision was made to withhold these photographs. Since these consultations with MPD were telephonic, no formal documentation was made. Because the above decision was formally documented in the June 2, 1976, Wiseman affidavit, the underlying notes, if any, were apparently disposed of in keeping with this Bureau's policy that raw notes of this nature are not committed to the permanent record.

As you are undoubtedly aware, xerox copies of these photographs were later released to Harold Weisberg by letter dated July 27, 1977, and are also maintained in the FBI's FOIA Public Reading Room.

Sincerely yours,

James K. Hall

James K. Hall, Chief
Freedom of Information-
Privacy Acts Section
Records Management Division